

REMARKS

All of applicant's claims recite the use or processing of e-mail messages and all of the examiner's rejections rely on the assertion that Gifford's sales system is based on e-mail messages. But the following key sentence from Gifford cited by the examiner appears to have been misconstrued: "In this way the network sales system can implement an electronic mail order system." (Col. 7, lines 10-12; emphasis added). Applicant believes that that the sentence, in context, is referring to a "mail order system" that is electronic, not an order system that uses "electronic mail."

In fact, the Gifford system is apparently entirely non-e-mail based, except for a single brief mention of e-mail messages in Gifford's Description section: "Alternatively, electronic mail can be used to send such confirmation messages between a user and the payment system." (Col. 11, lines 16-18). But that use of e-mail neither describes nor suggests what is recited in applicant's claim. In fact, the reference to electronic mail in that sentence stands in stark contrast to its absence anywhere else in Gifford's Description.

Thus, Gifford neither discusses nor suggests the use or processing of e-mail messages as recited in applicant's amended claims as follows:

- Claim 1 -- "analyzing an e-mail message to derive response information...."
- Claim 5 -- "sending an e-mail message to a customer offering a product or service for sale, . . . receiving from the customer an e-mail message that includes the response, and based on the received e-mail message, automatically generating order information...."
- Claim 6 -- "analyzing an e-mail message to derive response information concerning a commercial transaction, . . . and automatically managing an e-mail message dialog with the source to resolve the issue."
- Claim 8 -- "Software guided interactive e-mail message dialogs to resolve, on behalf of a vendor, customer issues that occur in direct response e-mail messages that are automatically identified as requiring a dialog."
- Claim 9 -- "automatically sorting e-mail messages, based on response information contained in the messages...."

- Claim 10 -- “analyzing an e-mail message to derive response information concerning a commercial transaction, and, in response to the e-mail, automatically generating a confirmatory e-mail message....”
- Claim 11 -- “receiving inbound e-mail messages . . . and automatically associating response information in each of the outbound messages with the corresponding distinct piece of the marketing program”
- Claim 15 -- “sending outbound e-mail messages associated with commercial transactions, . . . storing information related to each of the outbound e-mail messages in a database, . . . the information not being contained in the outbound messages, analyzing inbound e-mail messages that result from the outbound messages....”
- Claim 16 -- “sending outbound e-mail messages associated with commercial transactions, . . . storing information related to each of the outbound e-mail messages in a database, . . . the information not being contained in the outbound messages, analyzing inbound e-mail messages that result from the outbound messages . . . identifying inbound e-mail messages that cannot be processed automatically....”

The dependent claims are patentable for at least the same reasons as the independent claims on which they depend.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that the Attorney Docket No. be changed from 10246/004001 to 10246/007001.

Applicant asks that all claims be allowed. Enclosed is a \$445.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Applicant : Anthony D. Estes
Serial No. : 09/353,896
Filed : July 16, 1999
Page : 5

Attorney Docket No.: 10246-007001

Respectfully submitted,

Date: 3/19/01



David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20162902.doc

Version with markings to show changes made

In the claims:

Claim 3 has been cancelled without prejudice.

Claim 1, 5, 6, 8, 10, and 11 has been amended as follows:

1. (Amended) A machine-based method comprising:
analyzing an e-mail message to derive response information concerning a commercial transaction, the e-mail message comprising at least part of an e-mail message sent to a customer and a response of a customer to the e-mail, and,
based on the derived information, automatically generating commercial transaction data in a format that is usable to automatically complete the commercial transaction.

7. (Amended) A machine-based method comprising:
sending an e-mail message to a customer offering a product or service for sale, the e-mail message comprising locations for response by the customer indicating his intention to order the product or service,
receiving from the customer an e-mail message that includes the response, and,
based on the received e-mail message, automatically generating order information in a format usable automatically by an order fulfillment system to cause the order to be filled.

8. (Amended) A machine-based method comprising:
analyzing an e-mail message to derive response information concerning a commercial transaction,
automatically identifying response information which requires resolution of an issue with the source of the e-mail message, and
automatically managing an e-mail message dialog with the source to resolve the issue.

8. (Amended) Software guided interactive e-mail message dialogs to resolve, on behalf of a vendor, customer issues that occur in direct response e-mail[s] messages that are automatically identified as requiring a dialog.

10. (Amended) A machine-based method comprising:
analyzing an e-mail message to derive response information concerning a commercial transaction, and, in response to the e-mail message,
automatically generating a confirmatory e-mail message to the source of the e-mail message confirming that the commercial transaction has been or will be completed.

11. (Amended) A machine-based method comprising:
receiving inbound e-mail messages [that result from corresponding outbound e-mail messages] associated with a marketing program, the inbound messages containing response information[,] and each of the outbound e-mail messages being associated with a distinct piece of the marketing program, and
automatically associating the response information in each of the inbound messages with the corresponding distinct piece of the marketing program.